

HC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ricardo CASTORENA-Garcia,

Defendant

2008 JUL -1 11:12'08 MJ2005
Magistrate Docket No.

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **June 30, 2008** within the Southern District of California, defendant, **Ricardo CASTORENA-Garcia**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1st DAY OF JULY 2008



Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Ricardo CASTORENA-Garcia

PROBABLE CAUSE STATEMENT

On June 30, 2008, Border Patrol Agent R. Tong was performing linewatch duties in the Imperial Beach Border Patrol Station's area of responsibility. At approximately 5:45 a.m. an Infrared Scope Operator informed Agent Tong that a possible illegal alien was crawling on his hands and knees in an area known as Goat's Canyon. This area is approximately four miles west of the San Ysidro, California Port of Entry and approximately 500 yards north of the United States/Mexico International Boundary.

Agent Tong then responded to the area and found an individual attempting to conceal himself inside some brush. Agent Tong identified himself as a United States Border Patrol Agent and conducted an immigration inspection. The subject, later identified as the defendant **Ricardo CASTORENA-Garcia**, admitted to being a citizen of Mexico without any immigration documents that would allow him to legally enter or remain in the United States. Agent Tong then arrested the defendant and transported him to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **November 29, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.